

# BEAVERTON POLICE DEPARTMENT

# GENERAL ORDER

NUMBER: 10.05.03  
SUBJECT: STALKING AND STALKING ORDERS  
EFFECTIVE: OCTOBER 11, 2007  
REVIEW: OCTOBER 2010, 2013, 2016, 2019, 2022

1. **PURPOSE.** Stalking is a common factor of domestic abuse and is often a predictor of serious crimes of violence. This policy establishes uniform procedures for recording, investigating and handling stalking incidents to ensure that harassing and/or threatening behavior is properly identified and prosecuted.

2. **POLICY.** It is the policy of our agency to act quickly to investigate all harassment, threatening behavior and reports of stalking in a manner that will protect the victim and facilitate the arrest of the stalker.

3. **PRIMARY OFFICER RESPONSE.**

A. Sensitivity Toward Victim. Officers shall convey to the victim that stalking offenses are criminal behavior and will not be tolerated.

B. Criminal Conduct. With all acts of stalking, officers will determine whether the act is a criminal or civil matter, and take the appropriate course of action. Officers will evaluate the facts of the complaint to determine if:

- 1) Probable cause exists to show that the crime of stalking has occurred under ORS 163.732 (Stalking); **and** if probable cause exists to require issuance of an Oregon Uniform Stalking Citation under ORS 163.735. (See Addendum A.)

Note: The culpable mental states of the two statutes described in Number 1 above differ. These are not mutually exclusive options. (See Addendum B.)

- 2) Notwithstanding a court subpoena, in cases where the officer's testimony is imperative to the order being issued, the officer may obtain approval from a lieutenant to testify at the civil stalking hearing.

C. Victim Safety. Emphasis shall be on providing as many safety measures for the victim as possible through available resources and interventions. Depending on case specifics, the range of measures may include helping to formulate a safety

plan, assistance with obtaining housing at a shelter, personal alarms, and actual physical surveillance of the suspect.

- D. Victim Assistance Referral and Stalking Orders. Officers will provide the victim with a department issued victims' rights card and recommend that the victim contact the Washington County Center for Victims' Services for further assistance.
- E. Notification. As soon as practical, officers will notify their supervisor when investigating a case of stalking.
- F. Coordination with Outside Agencies. When appropriate, officers will ensure that their investigation includes coordination with any outside law enforcement agency involved (i.e., victim lives in Beaverton, suspect lives in Seaside).

4. SUPERVISOR RESPONSE.

- A. Response review. When notified of a stalking investigation, supervisors will review the circumstances of the case and confirm an adequate safety plan is in place.
- B. Supervisor Discretion. Supervisors have necessary discretion during a criminal investigation of stalking to provide more latitude and assistance to the officer to locate and apprehend the suspect including backfill, assistance from CID, etc.

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Chief of Police

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Date

## **Addendum A**

**163.732 Stalking.** (1) A person commits the crime of stalking if:

(a) The person knowingly alarms or coerces another person or a member of that person's immediate family or household by engaging in repeated and unwanted contact with the other person;

(b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and

(c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.

(2)(a) Stalking is a Class A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, stalking is a Class C felony if the person has a prior conviction for:

(A) Stalking; or

(B) Violating a court's stalking protective order.

(c) When stalking is a Class C felony pursuant to paragraph (b) of this subsection, stalking shall be classified as a person felony and as crime category 8 of the sentencing guidelines grid of the Oregon Criminal Justice Commission. [1993 c.626 §2; 1995 c.353 §2]

**Note:** See note under 163.730.

**163.735 Citation; form.** (1) Upon a complaint initiated as provided in ORS 163.744, a law enforcement officer shall issue a citation ordering the person to appear in court within three judicial days and show cause why the court should not enter a court's stalking protective order when the officer has probable cause to believe that:

(a) The person intentionally, knowingly or recklessly engages in repeated and unwanted contact with the other person or a member of that person's immediate family or household thereby alarming or coercing the other person;

(b) It is objectively reasonable for a person in the victim's situation to have been alarmed or coerced by the contact; and

(c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household.

## **Addendum B**

**Decision Flow Chart for Stalking Complaints**

